

## **STATEMENT OF PURPOSE**

### **RS18461**

This proposed legislation will amend Idaho Code Section 19-2604 to clarify that Idaho Code Section 19-2604 is not an "expungement" statute. Rather, Idaho Code Section 19-2604, as interpreted by the Idaho Supreme Court, only "allows the court to dismiss [a] case against [a] defendant if he complies with all the terms and conditions of his probation." State v. Parkinson, 144 Idaho 825, 827, 172 P.3d 1100, 1102 (2007). "[T]he statute does not require or authorize the complete expungement of all records and references to the charge." Parkinson, 144 Idaho at 828, 172 P.3d 1103. Notwithstanding the plain language of Idaho Code Section 19-2604, and the Idaho Supreme Court's interpretation of that statute in Parkinson, the Idaho State Police have received orders purporting to expunge information, which is not authorized by the statute. This amendment will make clear that any action taken by a court pursuant to Idaho Code Section 19-2604 will not result in the expungement of all records and references to the charge

### **FISCAL NOTE**

This bill would have no fiscal impact on the general fund.

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